

## ***2010-2011 Negotiations - Conflicting Provisions - Local 3888***

- 1. Section 1.4 Restricts County right to create classifications and include or exclude from unit;***
- 2. Section 1.6 Requires the County to provide employment for employees whose job is contracted out, a protection not available to employees not having a collective bargaining representative ("CBR");***
- 4. Sections 2.2 -2.5  
2.7-2.11 Imposes obligations upon County and employees respecting the collection and distribution of dues and service fees not contemplated by County law or policy;***
- 5. Section 3.1 Requires County to deal with certain Union representatives, rather than with employees directly, an obligation which the County does not have with employees not having a CBR;***
- 6.. Section 3.3 Grants rights of representation not available to employees not having a CBR and requires County to provide Union with notice of grievances filed by individual employees who do not wish to be represented by union;***
- 7. Section 3.4 Grants rights of visitation not available to employees not having a CBR;***
- 8. Section 3.5 Grants rights of representation not available to other employees having no CBR;***
- 9. Section 3.7 Imposes obligation on County to provide Union with an office, furniture and phone;***
- 10. Section 3.8 Requires County during new employee orientation with potential Union employees to release those employees from work with pay to participate in Union organization/membership presentation meeting;***
- 11. Section 3.10 For practical purposes, requires County to release employees from work with pay to permit meeting between Union and employees on "issues having a substantial impact on the workplace***
- 12. Section 5.1 Limits County's right/discretion to schedule work for employees as necessary/required to perform the public's business;***

13. Section 5.5 *Requires that the County pay employees for time associated with testing or certification required by an employee's classification, a benefit not available to employees not having a CBR;*
14. Section 5.6 *Requires County to pay employees for non-working hours when an employee is to remain available for work for an anticipated weather or emergency event, a benefit not available to employees not having a CBR;*
15. Section 7.1(a) *Since pay plan not approved, provides adjustments now and in future years that are not included in an approved pay plan and not available to employees not having a CBR;*
16. Section 7.2 (c) *Obligates the County to adjust performance evaluations in a specific manner, an obligation which the County does not have respecting employees not having a CBR;*
17. Section 7.4 *Provides paid meal benefits not available to employees not having a CBR;*
18. Section 8.1(a)(1) *Provides shift differential for hours different than hours for which shift differential is available to employees not having a CBR;*
- (b)(1) *Provides shift differential for hours and in an amount different than hours and amounts available to employees not having a CBR;*
- (b)(2) *Same as (b)(1);*
- (c) *Restricts County's right/discretion to set and change work hours for economic reasons, an infringement on management rights;*
19. Section 8.3 *(Call-in Pay) Requires minimum payment for hours (whether or not worked), that is not available to employees not having a CBR, and requires County to pay additional overtime for work not related to call-in, an obligation which the County does not have to employees not having a CBR;*
21. Section 8.6 *Provides premium pay for CDLs and requires County to pay for renewals, benefits not available to employees not having a CBR;*
22. Section 8.9 *Provides premium pay for ASE certifications, a benefit not available to employees not having a CBR;*
23. Section 8.10 *Provides pay or comp. time to employees who work during County closing for emergency,(a benefit that has sometimes but not uniformly been made available to employees not having a CBR);*

24. *Article 9*                      *Limits the County's ability/discretion to restrict its employee's secondary employment activities except for certain specific reasons, a restriction not applicable to employees not having a CBR;*
25. *Sections 10.1*  
      **(b-f)**    *All sections provide premium pay or leave for work on holidays that is not available to employees not having a CBR;*
26. *Section 10.2* **(e)**    *Places some restrictions on County's ability to regulate use of leave by suggesting that leave must be granted when submitted before a deadline, be based on seniority;*  
                                  **(g)**    *Places obligation on County to grant or deny a request for leave of two days or less within two days, an obligation which the County does not have respecting employees not having a CBR;*
27. *Section 10.4* **(b)**    *Provides different (lesser) disability leave benefits than is available to employees not having a CBR;*
28. *Section 10.9*                *Section contains outdated reference to Employee Manual*
29. *Section 10.10*              *Grants/permits donation of union leave that is not available to employees not having a CBR;*
30. *Section 11.1(b)*        *Requires County to involve union before development of bid specs, and to include union on any committee established to study health care, rights not available to employees not having a CBR;*
31. *Article 12*                 *Provides clothing, uniforms and cleaning services not available to employees not having a CBR;*
32. *Article 13*                 *Provides a grievance procedure that includes binding arbitration, and requires that the County proceed first during grievances pertaining to discipline, procedures not available to employees not having a CBR;*
33. *Section 14.2*               *Permits the removal of disciplinary materials from an employee's personnel file after two years from most recent entry, a right not available to employees not having a CBR;*
34. *Section 14.3*               *Permits employees to make additions to their personnel files, a right not available to employees not having a CBR;*
35. *Article 15*                 *Requires County to continue safety policies, include Union on safety committees, address safety concerns within specified times, and*

*notify union of reports of safety violations, obligations which the County does not owe to employees not having a CBR;*

- 36. Article 16      *Requires County to replace tools reported as stolen by certain persons, a benefit not available to employees not having a CBR;*
- 37. Article 17      *Permits members to use County phones and e-mail for union purposes, a violation of the County's Use of Communications Systems policy;*
- 38. Article 18      *Requires County to deduct and collect money from employees wishing to contribute to P.E.O.P.L.E., an obligation which the County does not owe to employees not having a CBR;*
- 39. Section 19.1      *Requires County to consider promotions from within "where practicable," a consideration not available to employees not having a CBR;*
- 40. Section 19.2  
19.3      *Together require County to demote employee to a vacant position if one exists, a right not available to employees not having a CBR;*
- 41. Article 23      *One year agreement guarantees contract benefits, a guarantee not made to employees not having a CBR.*